IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2334 OF 1987

Rajaram Sahangu Yada of Bombay, aged about 52 residing at Rajaram Chawl, Datta Mandir Road, Kini Wadi, Bhandup, Bombay 400 078. ..Petitioner

Vs.

1. The Dy. Collector (ENC) and the Competent Authority having its office at Topiwalla College Building, Mulund (W), Bombay.

2. The Maharashtra Slum Area, (I.C. & R) Tribunal, Bombay

3. The State of Maharashtra ..Respondents

Mr. A.C. Kotwani for petitioner absent.
Mr. R.M. Patne, AGP for respondent nos.1 and 3.

CORAM: B.H. MARLAPALLE, J.

Date : June 06, 2006.

ORAL JUDGMENT:-

1. The petitioner was the owner of 8 chawls with 36 rooms standing on CTS No.303 of village Bhandup and part of the Mumbai Municipal Corporation. The said property was declared as slum by the notification dated 20/1/11984 under the Maharashtra Slum Areas (Improvement, Clearance and Re-development) Act, 1971

(hereinafter referred to as the Act for short) and the said notification was published in the Maharashtra Government Gazette dated 16/2/1984. The said notification was challenged in Appeal No. 137 of 1984 filed under Section 4(3) of the Act before the Maharashtra Slum Areas (I.C. & R) Tribunal, Mumbai. The said appeal came to be dismissed by the Division Bench of the Tribunal on 18/7/1986 and hence this petition under Article 227 of the Constitution.

2. The Tribunal considered the Surveyor's report at page 63 of the record and the reply given by the petitioner at page 53. It was also noted that the chawl which had the population of about 280 lacked the basic amenities of latrines / bath rooms and the tenants were forced to use municipal W.Cs at a distance of 400 ft. from the property. There was only one W.C. constructed and it was used by the owners and the doors of the remaining three W.Cs. were broken. The gutters were not properly constructed and, therefore, drainage water was spreading around the chawls. The Tribunal also was aware of the fact that the earlier notification declaring the subject property as slum was set aside on certain preliminary points and the

respondents-authorities were allowed to make a fresh declaration after serving notice on the appellant. Admittedly, the notice was served on the appellant, he had submitted his reply to the same and it was taken into consideration before passing the impugned order for declaration of the property as the slum under the Act. Under the circumstances, the Tribunal recorded its finding that the declaration made was legal and there was no case made out to interfere with the same. Consequently, the appeal was dismissed. The reasoning recorded by the Tribunal cannot be termed as perverse or grossly erroneous so as to call for interference under the supervisory powers of this court in a petition under Article 227 of the Constitution and, therefore, this petition fails.

3. In the premises, the petition is dismissed. Rule discharged. Interim order dated 6/11/1988 stands vacated. No costs.

(B.H. Marlapalle,J.)